

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT MICHAEL BAGETTA,

Plaintiff,
v.

Case Number 07-10996
Honorable David M. Lawson

PATRICIA L. CARUSO and
JOHN DOES,

Defendants.

ORDER OF TRANSFER

The plaintiff, a state inmate currently confined at the Brooks Correctional Facility in Muskegon Heights, Michigan, has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. Prior to being transferred to the Brooks Correctional Facility, the plaintiff was incarcerated at the Ojibway Correctional Facility in Marenisco, Michigan and the Chippewa Correctional Facility in Kinceloe, Michigan.

The proper venue for civil actions based on federal question jurisdiction is where (1) any defendant resides if all defendants reside in the same state, (2) a substantial part of the events or omissions giving rise to the claim occurred, or (3) any defendant may be found if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1331(b). Public officials “reside” in the county where they serve. *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972), *cert. denied*, 411 U.S. 964 (1973).

Defendant Patricia L. Caruso is the Director of the Michigan Department of Corrections (MDOC) and serves in Lansing, Michigan. The plaintiff claims that the John Doe defendants, prison officials at the various facilities at which he was held, improperly attempted to force him to take high school equivalency classes and retaliated against him when he refused to comply. Lansing,

Muskegon Heights, Marenisco, and Kincheloe are all within the geographical boundaries of the Western District of Michigan. 28 U.S.C. § 102(b). Therefore, the Western District of Michigan is the proper venue for this action. 28 U.S.C. § 1404(a).

Accordingly, it is **ORDERED** this case is **TRANSFERRED** from the Eastern District of Michigan to the **Western District of Michigan**.

It is further **ORDERED** that the Clerk of Court transfer the court file to the Western District of Michigan in Grand Rapids, Michigan.

s/Paul D. Borman for Judge Lawson

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: March 14, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on March 14, 2007.

s/Denise Goodine

Case Manager